

Inter-Agency Agreement
Between
Minnesota State Department of Education
and
Minnesota State Department of Public Welfare
for
Direct Educational Services to Handicapped Children

I. RESPONSIBILITY OF AGENCIES FOR HANDICAPPED CHILDREN.

- A. According to Minnesota Statutes the Department of Education under the direction of the State Board of Education and the Commissioner of Education is responsible for ensuring that free appropriate educational programs are provided to all handicapped children from ages four to 21 or through completion of a secondary program. This also includes the identification of all handicapped children from birth to age 21.

Each public school district is in turn responsible for providing free appropriate educational programs consistent with state and federal statutes and rules and regulations for all of these handicapped children who live within its district boundaries. This includes all children placed in state or private residential facilities for care and treatment and is not limited to the children who are residents of the district.

- B. The Department of Public Welfare - In regard to the Minnesota Learning Center, the responsibilities of the Minnesota Department of Public Welfare are, in accordance with the duties and responsibilities of the Commissioner, as provided in laws, rules and policies, to administer the state hospitals. This includes implementation of Role and Function Policies, insure implementation of Department of Public Welfare Rule I and other case management procedures, authorize and evaluate programs, establish operating policies and monitor programs.

II. MINNESOTA POLICY ON THE EDUCATION OF HANDICAPPED CHILDREN AND YOUTH.

It is the policy of the State of Minnesota to provide a free appropriate education to all resident handicapped children and youth aged 4 to 21 or completion of a secondary program regardless of the state agency which is given the responsibility for the provision of the instruction and services. The responsible agencies shall provide the education services consistent with standards established by the State Board of Education, and federal regulations relating to the education of handicapped children.

III. PURPOSE OF THE AGREEMENT.

According to federal regulations for the Education of the Handicapped Act (121a.600), the responsibility for all education programs for handicapped children as defined in federal regulations (121a5) , including programs administered by other state agencies, must be under the general supervision of the state educational agency and that programs administered by all state agencies meet the requirements of the state educational agency and the related federal statutes and regulations. This agreement will permit the State Department of Education to assume general supervision of

the education programs for these handicapped youth administered by the State Department of Public Welfare to assure compliance with federal and state statutes and related rules and regulations for the education of handicapped youth.

IV. PROVISIONS OF THE AGREEMENT.

A. The State Department of Public Welfare will:

1. Identify and assess the educational needs of all handicapped youth assigned to the Commissioner of Welfare consistent with the criteria and procedures of the State Educational Agency.
2. Develop a coordinated Individual Educational Plan/Individual Program Plan which will address both educational and residential/treatment aspects of the program for each handicapped person. This coordinated plan will be consistent with P.L. 94-142, DPW Rule 34, and DPW Rule 185. It will fix responsibility for co-ordination of all aspects of the program. The educational portion of the program will be provided free of charge to the student and parent(s).
3. Conduct the education program in the least restrictive alternative possible with due consideration of the Commissioner's responsibility for the safety of other residents of the facility and the general public.
4. Conduct the special education programs and related services in compliance with the State Educational Agency Standards relating to facilities, staff, and supervision. (5MCAR 1.0122C.1.a,b; 5MCAR 1.0122C.2.a,b.).
5. Specific to this agreement, employ special education staff who are appropriately certified through the Minnesota Board of Teaching.
6. Provide for the procedural safeguards of the EHA Act, including confidentiality of personally identifiable information of the handicapped youth consistent with state and federal standards.
7. Insure that the rights of handicapped youth to a free appropriate education are protected by the appointment of a surrogate parent when the parent or private or public guardian is unknown or unavailable.
8. Develop and implement a personnel development plan for the staff involved with the Minnesota Learning Center Program.
9. Permit the state education agency to monitor the educational program to insure state and federal requirements are met.

10. Minnesota Learning Center will correct deficiencies cited by the monitoring team within timelines agreed upon by the agencies. If added resources are needed, the two agencies involved will collaborate on finding such resources.
11. Submit reports which may be required by statutes and rules by the Department of Education related to the educational programs provided by the Department.
12. Conduct special education services for the identified handicapped youth assigned to the Commissioner in a manner consistent with the federal regulations for the Education of the Handicapped Act, Federal Register, Aug. 23, 1977, Part II and December 29, 1977, Part III.

B. The State Department of Education will:

1. Assist the Department of Public Welfare in developing a plan for implementation of this agreement.
2. Provide technical assistance as requested by the Department of Public Welfare.
3. Include appropriate Department of Public Welfare staff from Minnesota Learning Center in state operated inservice training programs related to the education of handicapped youth.
4. Monitor the Minnesota Learning Center educational programs of the Department of Public Welfare to assure compliance with state and federal requirements and report areas of non-compliance to the Commissioner of Public Welfare and the Commissioner of Education.
5. Provide funding to implement and carry out the services required by this agreement within the limits of the federal funds available for this purpose.

V. TERM OF AGREEMENT.

Once annually, representatives from the State Departments of Welfare and Education will review activities of the agreement and make joint recommendations for necessary modification.

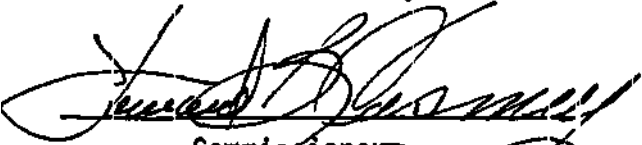
This agreement shall be effective immediately upon the agreement of the agencies as demonstrated by the signatures of authorized agency representative.

VI. SIGNATURES.

Arthur E. Hoot

Commissioner
Minnesota State Department
of
Public Welfare

Howard B. Casmey



Commissioner
Minnesota State Department
of
Education